

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 3:22-cv-0041</b>
	)	
<b>ONE 1962 AERO TWIN COMMANDER</b>	)	
<b>500B, TAIL NO. N37CK, SERIAL NO. 500A-</b>	)	
<b>1251-76,</b>	)	
	)	
<b>Defendant.</b>	)	

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**ORDER**

Plaintiff commenced this action seeking *in rem* forfeiture of defendant property described as “one 1962 Aero Twin Commander 500B, Tail No. N37CK, Serial No. 500A-1251-76” seized at the airport located in St. Thomas, U.S. Virgin Islands, on or about March 8, 2022. (ECF No. 1.) Claimant, Russell Robinson, filed motions to dismiss the complaint contending, *inter alia*, that this Court lacks subject matter jurisdiction. (ECF Nos. 9, 10.)

On August 3, 2022, Plaintiff subsequently filed a “First Amended Verified Complaint for Forfeiture In Rem” on August 3, 2022. (ECF No. 19.) Because an amended pleading is the operative pleading and renders the original pleading a nullity, a motion to dismiss the original complaint becomes moot upon the filing of the amended complaint. *See Coates v. Ford Motor Co.*, Case NO. 3:18-cv-0035, 2019 U.S. Dist. LEXIS 60775, \*2 (D.V.I. Mar. 29, 2019) (“Where, as here, a defendant files a motion to dismiss and the plaintiff subsequently properly files an amended complaint, that subsequent pleading is operative and renders moot the defendant’s motion to dismiss.”) (internal quotations and brackets omitted).

Accordingly, it is hereby

**ORDERED** that Claimant Russell Robinson’s motions to dismiss, docketed at ECF Nos. 9 and 10, are **DENIED without prejudice**.

**Dated:** October 3, 2022

s/ Robert A. Molloy  
**ROBERT A. MOLLOY**  
**Chief Judge**